

Permit No.: WA-002195-4  
Application No.: WA-002195-4

United States Environmental Protection Agency  
Region 10  
Park Place Building, 13th Floor  
1200 Sixth Avenue  
Seattle, Washington 98101

AUTHORIZATION TO DISCHARGE UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal Water Pollution Control Act, as amended, (33 U.S.C. §1251 et seq; the "Act"),

U.S. Department of Defense  
Department of the Army  
Fort Lewis, Washington

is authorized to discharge from the Fort Lewis Water Pollution Control Plant, DuPont Stormwater Outfall Treatment Facility, Flora Road Stormwater Treatment Facility, Main North Fort #1 Stormwater Outfall, and North Fort #2 Stormwater Outfall, to receiving waters named Puget Sound, and Mackay Marsh and Hammers Marsh which drain into Puget Sound in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

This permit shall become effective January 28, 1987.

This permit and the authorization to discharge shall expire at midnight, January 27, 1992.

Signed this 29th day of December 1986.

  
Director, Water Division, Region 10  
U.S. Environmental Protection Agency

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A. Effluent Limitations and Monitoring Requirements.

1. EFFLUENT LIMITATIONS - Fort Lewis Water Pollution Control Plant (Discharge 001)

During the period beginning on the effective date of this permit and lasting through the expiration date, discharges from the Fort Lewis Water Pollution Control Plant shall be limited and monitored by the permittee as specified below:

- a. The monthly average quantity of effluent discharged from the wastewater treatment facility shall not exceed 28766 cmd (7.6 mgd).
- b. The pH shall not be less than 6.0 nor greater than 8.5.
- c. There shall be no discharge of floating solids, visible foam in other than trace amounts, or oily wastes which produce a sheen on the surface of the receiving water.
- d. The following limitations and monitoring requirements shall apply:

<u>Effluent Characteristic</u>	<u>Unit of Measurement</u>	<u>Monthly Average</u>	<u>Weekly Average</u>
<u>Effluent Concentrations</u>			
Biochemical Oxygen Demand* (5-day) (BOD <sub>5</sub> )	mg/l	30	45
Suspended Solids* (SS)	mg/l	30	45
Fecal Coliform Bacteria	#/100 ml	200	400
<u>Effluent Loadings</u>			
BOD <sub>5</sub>	kg/day (lbs/day)	865(1902)	1296(2852)
SS	kg/day (lbs/day)	865(1902)	1296(2852)

- \* Monthly average BOD<sub>5</sub> and SS effluent concentrations shall not exceed 30 mg/l or 15% of the influent concentrations, whichever is more stringent.

<u>Monitoring Requirements</u>	<u>Unit of Measurement</u>	<u>Sample Frequency</u>	<u>Type of Sample</u>
<b><u>FINAL EFFLUENT:</u></b>			
Total Flow	cmd(mgd)	continuous	recording
Biochemical Oxygen Demand (5-day)**	mg/l	daily	24-hour composite
Suspended Solids**	mg/l	daily	24-hour composite
Fecal Coliform Bacteria	number/100 ml	daily	grab
Chlorine Residual	mg/l	daily	grab
pH	pH units	daily	grab
Settleable Solids	ml/l	daily	grab
Total Copper	mg/l	quarterly	grab
Total Nickel	mg/l	quarterly	grab
Total Chromium	mg/l	quarterly	grab

**OPERATION & MAINTENANCE:**

pH			
raw sewage	pH units	operational control	grab
primary effluent	pH units	operational control	grab
filter effluent	pH units	operational control	grab
digesters	pH units	operational control	grab

**Dissolved Oxygen**

raw sewage	mg/l	weekly	grab
final effluent	mg/l	weekly	grab
primary effluent	mg/l	operational control	grab
filter effluent	mg/l	operational control	grab

**Biochemical Oxygen Demand (5-day)**

raw sewage influent	mg/l	daily	24-hour composite
filter effluent	mg/l	daily	grab
primary effluent	mg/l	daily	24-hour composite

**Settleable Solids**

raw sewage influent	ml/l	operational control	grab
primary effluent	ml/l	operational control	grab
filter effluent	ml/l	operational control	grab

\*\* Representative daily influent and effluent monitoring for BOD<sub>5</sub> and SS is required to demonstrate % removal efficiencies. Monthly average percent removal for BOD<sub>5</sub> and SS shall be reported monthly.

<u>Monitoring Requirements</u>	<u>Unit of Measurement</u>	<u>Sample Frequency</u>	<u>Type of Sample</u>
<u>OPERATION AND MAINTENANCE:</u>			
<b>Suspended Solids</b>			
raw sewage influent	mg/l	daily	24-hour composite
filter effluent	mg/l	operational control	grab
primary effluent	mg/l	operational control	24-hour composite
<b>Total Solids</b>			
raw sludge	mg/l	1-3/week	grab
<b>Volatile Solids</b>			
raw sewage	mg/l	operational control	grab
<b>Gas Analysis &amp; Volume</b>			
primary digester	% CO <sub>2</sub>	weekly	grab
<b>Volatile Acids</b>			
primary supernatant	mg/l	operational control	grab
<b>Alkalinity</b>			
primary supernatant	mg/l	operational control	grab
<b>Temperature</b>			
raw sewage	OF.	daily	grab
digester(s)	OF.	daily	grab

- e. Samples taken in compliance with the effluent monitoring requirements specified above, shall be taken at the discharge from the chlorine contact chamber. All other samples shall be taken in the waste streams indicated.

2. EFFLUENT LIMITATIONS - DuPont Stormwater Outfall Treatment Facility (Discharge 002)

During the period beginning on the effective date and lasting through the expiration date, the permittee is authorized to discharge from the DuPont Stormwater Outfall Treatment Facility.

- a. Such discharges shall be limited and monitored by the permittee as specified below:

<u>EFFLUENT CHARACTERISTIC</u>	<u>DISCHARGE LIMITATIONS</u>		<u>MONITORING REQUIREMENTS</u>	
	<u>Daily Average</u>	<u>Other Units (Specify) Daily Max</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow-m <sup>3</sup> /day	N/A	N/A	monthly	estimated
Total Oil & Grease	10 mg/l	15 mg/l	2/month	grab
	No visible oil sheen		weekly	visual observation*

- b. The pH shall not be less than 6.0 standard units nor greater than 8.5 standard units and shall be monitored monthly.

- c. There shall be no discharge of floating solids or visible foam in other than trace amounts or oily wastes which produce a sheen on the surface of the receiving water.

- d. Samples taken in compliance with monitoring requirements specified above shall be taken in the discharge from the DuPont Outfall Treatment Facility prior to continuation of the treated discharge into outfall under Interstate Highway #5.

\* Visual observations for oil sheen shall be recorded and reported along with the other required discharge sampling results.

3. EFFLUENT LIMITATIONS - Flora Road Stormwater Outfall Treatment Facility (Discharge 003)

During the period beginning on the effective date and lasting through the expiration date, the permittee is authorized to discharge from the Flora Road Stormwater Outfall Treatment Facility.

- a. Such discharges shall be limited and monitored by the permittee as specified below:

<u>EFFLUENT CHARACTERISTIC</u>	<u>DISCHARGE LIMITATIONS</u>		<u>MONITORING REQUIREMENTS</u>	
	<u>Daily Average</u>	<u>Other Units (Specify) Daily Max</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow-m <sup>3</sup> /day	N/A	N/A	monthly	estimated
Total Oil & Grease	10 mg/l	15 mg/l	2/month	grab
	No visible oil sheen		weekly	visual observation*

- b. The pH shall not be less than 6.0 standard units nor greater than 8.5 standard units and shall be monitored monthly.

- c. There shall be no discharge of floating solids or visible foam in other than trace amounts or oily wastes which produce a sheen on the surface of the receiving water.

- d. Samples taken in compliance with monitoring requirements specified above shall be taken in the discharge from the Flora Road Outfall Treatment Facility.

\* Visual observations for oil sheen shall be recorded and reported along with the other required discharge sampling results.

4. EFFLUENT LIMITATIONS - Main North Fort #1 Stormwater Outfall (Discharge 004)

During the period beginning on the effective date and lasting through the expiration date, the permittee is authorized to discharge from the North Fort #1 Stormwater Outfall Treatment Facility.

- a. Such discharges shall be limited and monitored by the permittee as specified below:

<u>EFFLUENT CHARACTERISTIC</u>	<u>DISCHARGE LIMITATIONS</u>		<u>MONITORING REQUIREMENTS</u>	
	<u>Daily Average</u>	<u>Other Units (Specify) Daily Max</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow-m <sup>3</sup> /day	N/A	N/A	monthly	estimated
Total Oil & Grease	10 mg/l	15 mg/l	2/month	grab
	No visible oil sheen		weekly	visual observation*
	b. The pH shall not be less than 6.0 standard units nor greater than 8.5 standard units and shall be monitored monthly.			
	c. There shall be no discharge of floating solids or visible foam in other than trace amounts or oily wastes which produce a sheen on the surface of the receiving water.			
	d. Samples taken in compliance with monitoring requirements specified above shall be taken in the discharge from the North Fort #1 Outfall Treatment Facility.			

\* Visual observations for oil sheen shall be recorded and reported along with the other required discharge sampling results.



5. EFFLUENT LIMITATIONS - North Fort #2 Stormwater Outfall (Discharge 005)

During the period beginning on the effective date and lasting through the expiration date, the permittee is authorized to discharge from the North Fort #2 Stormwater Outfall Treatment Facility.

- a. Such discharges shall be limited and monitored by the permittee as specified below:

<u>EFFLUENT CHARACTERISTIC</u>	<u>DISCHARGE LIMITATIONS</u>		<u>MONITORING REQUIREMENTS</u>	
	<u>Daily Average</u>	<u>Other Units (Specify) Daily Max</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow-m <sup>3</sup> /day	N/A	N/A	monthly	estimated
Total Oil & Grease	10 mg/l	15 mg/l	2/month	grab
	No visible oil sheen		weekly	visual observation*

- b. The pH shall not be less than 6.0 standard units nor greater than 8.5 standard units and shall be monitored monthly.

- c. There shall be no discharge of floating solids or visible foam in other than trace amounts or oily wastes which produce a sheen on the surface of the receiving water.

- d. Samples taken in compliance with monitoring requirements specified above shall be taken in the discharge from the North Fort #2 Outfall Treatment Facility.

\* Visual observations for oil sheen shall be recorded and reported along with the other required discharge sampling results.

B. Biomonitoring Requirements.

1. The permittee shall monitor discharges from outfall 001 according to the requirements established below:

*try to simulate field time*

- a. The permittee shall conduct 96-hour salmonid (fish) bioassays. The tests shall be conducted using 80% effluent. Effluent samples for bioassay work should be dechlorinated or taken prior to chlorination. Test samples shall be collected by 24-hour composites.

*dilutions & such*

- b. The permittee shall conduct a 7-day Ceriodaphnia sp. (invertebrate) life cycle test, and a Selenastrum (algal) bioassay test using 100% effluent. Whichever test species proves most sensitive to effluent toxicity (using comparable 24-hour effluent samples) shall be used for further testing. This testing shall include a series of dilutions of the effluent ranging from control water to 100% effluent. The permittee shall determine the no effect concentration of the effluent in the control water. Such testing will be conducted on composite samples of effluent. The no effect concentration is that concentration of effluent at which: (1) There is less than a 20% decrease in survival of the test organisms compared to appropriate control water; or (2) There is not a statistically significant decrease at the 95% confidence level in reproduction of the test organisms compared to appropriate control water.

- c. Such bioassay tests shall be initiated within 60 days of the effective date of this permit or 90 days after receipt of the test protocols from EPA, whichever is later. Such tests shall be conducted once every quarter for a period of one year. If after the one year all these tests indicate that no wastewaters are being discharged in toxic amounts, subsequent toxicity testing will be required only once every six months. The results of all bioassay tests shall be submitted to EPA within 45 days after completion of each test.

- d. If any of these tests (previously mentioned) prove inadequate or inappropriate for evaluating the permittee's effluent, EPA may, at the request of the permittee or at its own initiative, establish additional or alternative testing through the permit modification process. This provision does not in anyway limit EPA's information gathering authority under Section 308 of the Clean Water Act.

- e. All quality assurance criteria used shall be in accordance with Methods for Measuring the Acute Toxicity of Effluent to Aquatic Organisms, EPA-600/4-78-012, Short-Term Methods for Estimating the Chronic Toxicity of Effluents, EPA-600/4-85-014 and Quality Assurance Manual for Performing Acute Toxicity Tests, FDER Biological Section, 1983. *delete* All test organisms and procedures used shall be in accordance with the protocols as provided and approved by EPA. The selection of an appropriate control water for the toxicity tests shall be submitted to EPA for review and approval prior to use.

C. Schedule of Compliance.

1. The permittee shall conduct an annual infiltration and inflow evaluation in the sewage system report by May 31 of each year.

These annual reports shall summarize any measurable infiltration and inflow. (Sewage treatment plant monitoring records may be used for these assessments.) If infiltration and inflow has increased by more than fifteen percent over the amount found in the initial evaluation, and effluent limitations are being approached or bypasses are likely to occur, the permittee shall propose and submit in the current evaluation report a plan and time schedule for (1) locating the sources of infiltration and inflow, and (2) correcting the problem.

2. No later than 14 days after May 31 of each year, the permittee shall either have already submitted the required evaluation report or a written notice of noncompliance which explains the remedial actions taken.

D. Definitions.

1. The "monthly average," other than for fecal coliform bacteria, is the arithmetic mean of samples collected during a calendar month. The monthly average for fecal coliform bacteria is the geometric mean of samples collected during a calendar month.
2. The "weekly average," other than for fecal coliform bacteria, is the arithmetic mean of samples collected during a calendar week. The weekly average for fecal coliform bacteria is the geometric mean of samples collected during a calendar week.
3. A "24-hour composite" sample shall mean a flow-proportioned mixture of not less than 8 discrete aliquots. Each aliquot shall be a grab sample of not less than 100 ml and shall be collected and stored in accordance with procedures prescribed in the most recent edition of Standard Methods for the Examination of Water and Wastewater.

4. A "Grab" sample is a single sample or measurement taken at a specific time or over as short a period of time as is feasible.
5. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
6. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
7. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

## II. MONITORING, RECORDING AND REPORTING REQUIREMENTS

- A. Representative Sampling. Samples taken in compliance with the monitoring requirements established under Part I shall be collected from the effluent stream prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge.
- B. Monitoring Procedures. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.
- C. Penalties for Tampering. The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.

- D. Reporting of Monitoring Results. Monitoring results shall be summarized each month on the Discharge Monitoring Report (DMR) form (EPA No. 3320-1). The reports shall be submitted monthly and are to be postmarked by the 15th day of the following month. Legible copies of these, and all other reports, shall be signed and certified in accordance with the requirements of Part IV.J., Signatory Requirements, and submitted to the Director, Water Division and the State agency at the following addresses:

original to: United States Environmental Protection Agency  
Region 10  
1200 Sixth Avenue  
Seattle, Washington 98101

Attn: Water Compliance Section, Mail Stop 513

copy to: Washington Department of Ecology  
Southwest Regional Office  
7272 Cleanwater Lane  
Olympia, Washington 98504

- E. Additional Monitoring by the Permittee. If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Such increased frequency shall also be indicated.
- F. Records Contents. Records of monitoring information shall include:
1. The date, exact place, and time of sampling or measurements;
  2. The individual(s) who performed the sampling or measurements;
  3. The date(s) analyses were performed;
  4. The individual(s) who performed the analyses;
  5. The analytical techniques or methods used; and
  6. The results of such analyses.

- G. Retention of Records. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time. Data collected on-site, copies of Discharge Monitoring Reports, and a copy of this NPDES permit must be maintained on-site during the duration of activity at the permitted location.
- H. Twenty-four Hour Notice of Noncompliance Reporting.
1. The following occurrences of noncompliance shall be reported by telephone within 24 hours from the time the permittee becomes aware of the circumstances:
    - a. Any noncompliance which may endanger health or the environment;
    - b. Any unanticipated bypass which exceeds any effluent limitation in the permit (See Part III.G., Bypass of Treatment Facilities.);
    - c. Any upset which exceeds any effluent limitation in the permit (See Part III.H., Upset Conditions.); or
    - d. Violation of a maximum daily discharge limitation for any of the pollutants listed in the permit to be reported within 24 hours.
  2. A written submission shall also be provided within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:
    - a. A description of the noncompliance and its cause;
    - b. The period of noncompliance, including exact dates and times;
    - c. The estimated time noncompliance is expected to continue if it has not been corrected; and
    - d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
  3. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Water Compliance Section in Seattle, Washington, by phone, (206) 442-1213.
  4. Reports shall be submitted to the addresses in Part II.D., Reporting of Monitoring Results.

- I. Other Noncompliance Reporting. Instances of noncompliance not required to be reported within 24 hours shall be reported at the time that monitoring reports for Part II.D. are submitted. The reports shall contain the information listed in Part II.I.2.
- J. Inspection and Entry. The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:
  - 1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
  - 2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
  - 3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
  - 4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

### III. COMPLIANCE RESPONSIBILITIES

- A. Duty to Comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- B. Penalties for Violations of Permit Conditions. The Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing Sections 301, 302, 306, 307, or 308 of the Act is subject to a fine of not less than \$2,500, nor more than \$25,000 per day of violation, or by imprisonment for not more than 1-year, or both. Except as provided in permit conditions in Part III.G., Bypass of Treatment Facilities and Part III.H., Upset Conditions, nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.
- C. Need to Halt or Reduce Activity not a Defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- D. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

- b. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph 3.a. of this section.

H. Upset Conditions.

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph 2 of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
2. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
  - b. The permitted facility was at the time being properly operated;
  - c. The permittee submitted notice of the upset as required under Part II.I., Twenty-four Hour Notice of Noncompliance Reporting; and
  - d. The permittee complied with any remedial measures required under Part III.D., Duty to Mitigate.
3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

IV. GENERAL REQUIREMENTS

- A. Notice of New Introduction of Pollutants. The permittee shall provide adequate notice to the Director, Water Division of:
  1. Any new introduction of pollutants into the treatment works from an indirect discharger which would be subject to Sections 301 or 306 of the Act if it were directly discharging those pollutants; and
  2. Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of the permit.



3. For the purposes of this section, adequate notice shall include information on:
  - a. The quality and quantity of effluent to be introduced into such treatment works; and
  - b. Any anticipated impact of the change on the quantity or quality of effluent to be discharged from such publicly owned treatment works.
- B. Control of Undesirable Pollutants. Under no circumstances shall the permittee allow introduction of the following wastes into the waste treatment system:
  1. Wastes which will create a fire or explosion hazard in the treatment works;
  2. Wastes which will cause corrosive structural damage to the treatment works, but in no case, wastes with a pH lower than 5.0, unless the works is designed to accommodate such wastes;
  3. Solid or viscous substances in amounts which cause obstructions to the flow in sewers, or interference with the proper operation of the treatment works;
  4. Wastewaters at a flow rate and/or pollutant discharge rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency; and
  5. Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge of such volume or strength as to cause interference in the treatment works.
- C. Requirements for Industrial Users. The permittee shall require any industrial user of these treatment works to comply with any applicable requirements of Sections 204(b), 307, and 308 of the Act, including any requirements established under 40 CFR Part 403.
- D. Planned Changes. The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when the alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are not subject to effluent limitations in the permit.
- E. Anticipated Noncompliance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

3. **Changes to authorization.** If an authorization under paragraph IV.J.2. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph IV.J.2. must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
4. **Certification.** Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- K. **Penalties for Falsification of Reports.** The Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.
- L. **Availability of Reports.** Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the State water pollution control agency and the Director. As required by the Act, permit applications, permits and effluent data shall not be considered confidential.
- M. **Oil and Hazardous Substance Liability.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.
- N. **Property Rights.** The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

- O. Severability. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.
- P. Transfers. This permit may be automatically transferred to a new permittee if:
1. The current permittee notifies the Director at least 30 days in advance of the proposed transfer date;
  2. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
  3. The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 2 above.
- Q. State Laws. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Act.

- E. Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
- F. Removed Substances. Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.
- G. Bypass of Treatment Facilities:
1. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2 and 3 of this section.
  2. Notice:
    - a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass.
    - b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under Part II.I., Twenty-four Hour Reporting.
  3. Prohibition of bypass.
    - a. Bypass is prohibited and the Director may take enforcement action against a permittee for a bypass, unless:
      - (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
      - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
      - (3) The permittee submitted notices as required under paragraph 2 of this section.

- F. Permit Actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- G. Duty to Reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of this permit.
- H. Duty to Provide Information. The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.
- I. Other Information. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Director, it shall promptly submit such facts or information.
- J. Signatory Requirements. All applications, reports or information submitted to the Director shall be signed and certified.
1. All permit applications shall be signed by either a principal executive officer or ranking elected official.
  2. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
    - a. The authorization is made in writing by a person described above and submitted to the Director, and
    - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)